

EXHIBIT I

SMITHERS

VS.

FRONTIER AIRLINES INC

Deposition

SHAWN P. CHRISTENSEN

04/17/2019

AB Court Reporting & Video

216 16th Street, Suite 600

Denver Colorado, 80202

303-296-0017

1 MR. BANINO: Wait.

2 Q (By Mr. Stone) -- looked at those eight
3 topics?

4 MR. BANINO: Thatcher, before we continue
5 on, I just want to be clear that we are going to
6 follow what's been set out in our objections. If
7 you want to fight about those objections, we can do
8 that with the magistrate judge, but we are going to
9 follow the objections.

10 MR. STONE: What does that mean?

11 MR. BANINO: Well, as I said, there is a
12 pretty wide area of inquiry that's been laid out,
13 but some of these topic areas are objectionable and
14 we have objected.

15 MR. STONE: Which areas are objectionable
16 and why?

17 MR. BANINO: It's all spelled out in the
18 objections.

19 MR. STONE: I haven't read the objections
20 because there wasn't a motion for protective order.
21 So tell me now, we'll put it on the record so that
22 the magistrate will see it.

23 MR. BANINO: Thatcher, that -- I don't
24 want to suggest anything, but you didn't read the
25 objections?

1 MR. STONE: They came while I was in the
2 air. And Elaine was told that, and there was no
3 follow-up from Elaine.

4 MR. BANINO: Okay.

5 MR. STONE: And you were told that with a
6 phone message.

7 MR. BANINO: My suggestion is that we mark
8 it as an exhibit, then.

9 MR. STONE: No, I don't agree to mark it
10 as an exhibit. If you want to mark it -- if you
11 want to mark it as an exhibit during cross, you may.

12 MR. BANINO: Okay.

13 MR. STONE: All right?

14 MR. BANINO: Okay.

15 MR. STONE: I think they're completely
16 inoperative and I'm not going to give them any
17 credence by marking them --

18 MR. BANINO: Okay. And my --

19 MR. STONE: If you want to --

20 (Interruption by the court reporter.)

21 MR. STONE: If you would like to call the
22 magistrate right now and get instructions, feel
23 free, but I'm going to go forward on these nine
24 topics.

25 MR. BANINO: Okay.

1 MR. WOODROW: Thatcher, Thatcher.

2 MR. STONE: Yeah.

3 MR. WOODROW: I've just now sent Bart and
4 Elaine and you a number of cases and clear precedent
5 that they have no basis for objecting, so if you
6 want -- if you wish to review those and --

7 MR. STONE: All right. Let's take a 15-
8 minute --

9 MR. BANINO: Well, I think it's too late
10 to brief this.

11 MR. STONE: No, it isn't, your objections
12 came yesterday.

13 MR. BANINO: I know. If -- if we want to
14 go to the magistrate judge or brief this -- I mean,
15 look, I don't practice in the Eastern District of
16 Virginia. Elaine can speak to this much better than
17 I can. But I think it makes much more sense to just
18 continue with the deposition. There is a huge area
19 of inquiry that you can ask questions, based upon
20 what we have laid out in the objections.

21 MR. STONE: Okay. We are not going to pay
22 attention to your objections, Bart and Elaine.

23 MR. BANINO: Okay. Then we're going to
24 object.

25 MR. STONE: And you can save that for

1 after the deposition is taken, like any other
2 objection.

3 Do you agree that this deposition will be
4 taken without objections other than speaking
5 objections --

6 MR. BANINO: No.

7 MR. STONE: -- and they'll be reserved
8 until the deposition is complete when you make in
9 limine or other motions?

10 MR. BANINO: No.

11 MR. STONE: All right. Then we need to
12 call the magistrate. You need to call the
13 magistrate now and arrange a call and --

14 MR. BANINO: Go ahead.

15 MR. STONE: No, you, because you want
16 to do the standard rules.

17 MR. BANINO: I can't do it.

18 MS. BREDEHOFT: It's not incumbent upon
19 us. This is Thatcher.

20 MR. STONE: No.

21 MS. BREDEHOFT: First of all, let me just
22 interject for a moment because I was interrupted
23 earlier.

24 I read the Teamsters/Frontier case. I
25 pulled it up, it does not say anything close to that

1 it has to be by protective order, it does not say
2 that you cannot file objections first, and, in fact,
3 in that instance they didn't file objections first,
4 we did file the objections, and it doesn't say you
5 have to have a protective order. It says it's
6 preferred to resolve them in advance, but it's not
7 required.

8 In addition, I have looked at the cases
9 that were cited by Will. Absolutely none of them
10 are, indeed, from District of Virginia.

11 The practice and procedure in the Eastern
12 District of Virginia is to file objections to the
13 topic areas. If they cannot be resolved, then we
14 proceed to the magistrate.

15 But Bart is exactly right. We have
16 produced our witness, we have produced the witness
17 subject to the objections. The -- even with the
18 objections there is a very large topic area that can
19 be covered and we should proceed with those today.

20 If we still have disputes and you still
21 feel that there is something that a corporate
22 designee properly should have been available to
23 answer and was unable to, then and only then do we
24 proceed with the magistrate judge.

25 So we are here, we are prepared to have